

# Memorandum

To: ALL CONSTRUCTION SENIORS and ABOVE  
ALL RESIDENT ENGINEERS

Date: August 22, 2000

File: Construction Program  
Directive CPD 00-10

From: DEPARTMENT OF TRANSPORTATION  
CONSTRUCTION PROGRAM - MS 44

Subject: Contractor Contingency Plans

Contractor contingency plans are necessary to permit the timely removal of the contractor's traffic control in the event the district traffic manager requests removal or the resident engineer determines that the contractor's operation will not be completed in the time permitted for traffic control.

There are two types of contingency plans developed for construction contracts:

1. TMP Contingency Plans:

- Deputy Directive 60, "Transportation Management Plans" (TMP), requires contingency plans to "address specific actions that will be taken to restore or minimize effects on traffic when congestion or delays exceed original estimates."
- The TMP contingency plan is developed to minimize motorist delays by identifying appropriate traffic mitigation elements.

2. Contractor Contingency Plans:

- Contracts that allow lane closures, advertised after October 1998, state that "the contractor shall prepare a contingency plan for reopening closures to public traffic."
- The contractor's contingency plan is developed:
  - To mitigate motorist delays by identifying actions necessary to terminate an operation and safely permit reopening closures.
  - To avoid motorist delays by identifying key measures of an operation that indicates whether the operation will be successfully completed in the time permitted or should be terminated to permit safely reopening the closure in the time permitted.

The contractor's contingency plan's key measures are "Points-of-No-Return." Allowing the contractor to proceed with the operation beyond a Point-of-No-Return results in late reopening of closures. Examples of Points-of-No-Return include: the amount of material (i.e., PCC slab) that can be replaced before reopening; the time the last cubic meter of concrete can be placed to permit adequate curing (regardless if a truck is en route); and the time the paving operation should stop (regardless of material in the trucks) to permit adequate compaction and cooling.

When an operation is terminated due to circumstances beyond the control of the contractor, consideration should be given to granting time or compensation within the terms of the contract. If the operation is terminated as a result of the contractor's actions, inactions, equipment breakdown, or other reasons within his control, no compensation is due and a working day will be charged as appropriate.

The construction engineer is responsible to ensure that all their contracts requiring contractor contingency plans have adequate plans. On traffic-sensitive and complex contracts that do not require a contractor contingency plan, the construction engineer is responsible to determine if a contingency plan is warranted and, if so, have the plan incorporated into the contract.



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